

Redmiles Services, Inc.,

Petitioner

* Before The Zoning Board

* of Howard County

*
Zoning Board Case 1070M

* * * * *

DECISION AND ORDER

On January 16, 2008, the Zoning Board of Howard County, Maryland, considered the petition of Redmiles Services, Inc. for an amended Preliminary Development Plan ("PDP") in an existing Business-Rural (BR) District for a landscape contractor storage yard to construct a storage building/pole barn. The subject property, a 4.63 acre parcel, is located on the south side of Old Frederick Road approximately 200 feet west of West Watersville Road and is described as Tax Map 2, Grid 13, Parcel 111. The address of the subject property is 17501 Old Frederick Road.

The notice of the hearing was advertised, the subject property was posted, and adjoining property owners were notified by mail of the date, place and time of the hearing as required by Howard County law as evidenced by the certificates of advertising, posting and mailing to adjoining property owners, which were made part of the record of the hearing. Pursuant to the Zoning Board's Rules of Procedure, all of the official documents pertaining to this case, including the petition, the Department of Planning and Zoning's Technical Staff Report, the Planning Board's Recommendation, and the reports of the responding reviewing agencies, were made a part of the record of the case. The Department of Planning and Zoning recommended approval of the petition to add a contractor storage building provided that the Petitioner address any changes to the operation associated with the approved use that may differ from the descriptions provided

to the Zoning Board in ZB 1034M. The Planning Board recommended granting the petition.

The Petitioner was represented by Thomas M. Meachum. No one appeared in opposition to the petition.

After careful evaluation of all the information presented, the Zoning Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The subject property was rezoned on April 8, 1997 from the RC-DEO (Rural Conservation – Density Exchange Option) to the BR (Business-Rural) Zoning District in Zoning Board Case 981M, Systems Integrators, Inc. The use of the subject property approved on the PDP in Zoning Board Case 981M was an electrical contractor's facility, as shown on Petitioner's Exhibit 5. The improvements proposed on this original PDP and approved in the original rezoning/PDP case included a 5,000 square foot building, a small parking lot, a driveway to Old Frederick Road, a septic area and well, and perimeter landscaping. The proposed development and use approved in Zoning Board Case 981M was never pursued.

2. In Zoning Board case 1034M the Zoning Board approved the Petitioner's proposal to amend the PDP for the proposed use of a landscape contractor's outdoor storage facility, which is a permitted use in the BR District pursuant to Section 117.1.C.8 of the Howard County Zoning Regulations (HCZR). The Petitioner owns a tree removal service business. The approval in ZB 1034M included the processing of firewood and wood chips on the subject property and the temporary storage and removal of wood chips on the subject property as detailed in the decision.

3. In this case, the Petitioner seeks to add a contractor's storage building to the existing approved use and to make minor alterations to the originally approved use.

4. The proposed storage building/pole barn would be approximately 50 feet by 60 feet and no more than 27 feet tall. This building is proposed to be located in the northwestern area of the property, adjacent to a small wooded area, as far as possible on the subject property from the Pichini's property, the only property within sight of the subject property. The storage building would be used to store the lawn maintenance equipment, the wood splitter and occasionally the truck used in the business. The Petitioner noted that wood-splitting would occur only 2-3 times per week at the approved hours.

5. The Petitioner indicated that all of the other conditions with respect to the use of the subject property for the contractor's storage yard use are the same as they existed at the time of the approval of the PDP in ZB Case 1034M. The Board notes that none of the facts related to the criteria of Section 117.1B. of the Zoning Regulations have changed since the Zoning Board granted rezoning and approved the PDP in ZB Case 981M, and approved the amended PDP in ZB case 1034M.

CONCLUSIONS OF LAW

1. The subject property was already rezoned in ZB Case 981M so the Board will not revisit the issues related to rezoning of the property, including compatibility in terms of the appropriateness of a BR District at this location, just as it did not do so in ZB Case 1034M. In addition, the Board need not address the criteria of Section 117.1G.3.b. of the Zoning Regulations because none of the facts related to Section 117.1B. has changed with respect to the subject property. For the same reasons, the Board need not address the

criteria of Section 117.1G.3.d. because those facts also remain the same as in ZB Case 1034M.

2. The Board is required to address whether the proposed additional use, the construction of a contractor storage building for the storage of lawn maintenance equipment, a wood chipper, and the occasional storage of a truck, meets the criteria of Section 117.1G.3. (a), (c) and (e), and does so as follows:

a. The Board concludes that the use of the proposed storage building at its proposed location will accomplish the purposes of the BR District. The proposed use will be useful to a business, Petitioner's landscape contractor's storage yard, which will support the agricultural industry, serve the needs of the rural residential and farming communities, and provide opportunity for a combination of business and industrial uses not otherwise permitted in the rural areas of the County. The Board also concludes that the proposed additional use of the storage building, in its remote buffered location, would be compatible with neighboring land uses; and

b. The Board concludes that the road providing access to the subject property, Old Frederick Road, continues to be appropriate for serving the business-related traffic generated by the additional use proposed. The Board notes that there will be little to no additional traffic generated by the construction and use of the proposed storage building; and

c. The Board concludes that the extensive buffering required to be provided in ZB Case 1034M continue to provide adequate buffering of the proposed storage building from land uses in the vicinity.

For the foregoing reasons, the Zoning Board of Howard County, Maryland, on this 28th day of March, 2008 hereby GRANTS the Petitioner's request for approval of its proposed amended Preliminary Development Plan for the BR-zoned subject property to construct and use the proposed storage building in the locations noted on the PDP.

ATTEST:

ZONING BOARD OF HOWARD COUNTY

Robin Regner

Robin Regner
Administrative Assistant

Jennifer Terrasa

Jennifer Terrasa, Chairperson

Calvin Ball

Calvin Ball, Vice Chairperson

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